

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JUSTIN WRIGHT, individually and on
behalf of all similarly situated persons,**

Plaintiff,

v.

**GREENWAY HOME SERVICES, LLC, et
al.,**

Defendants.

NO. 3:21-cv-00549

**JUDGE CAMPBELL
MAGISTRATE JUDGE HOLMES**


ORDER

Pending before the Court is Plaintiff's Motion for Conditional Certification of this Matter as a Collective Action and Approval of 29 U.S.C. § 216(b) Notice. (Doc. No. 47). On May 19, 2023, the Sixth Circuit Court of Appeals issued a decision addressing the standard to be applied by the district court when deciding whether to facilitate notice to potential plaintiffs in a collective action. *See Clark v. A&L Homecare and Training Center*, Case Nos. 22-301 and 22-302, 2023 WL 3559657 (6th Cir. May 19, 2023). Notably, the Court expressly rejected the "characterization of the notice determination as a 'certification,' conditional or otherwise." *Id.* at *2.

Because Plaintiff's Motion is based on a different legal standard, the Motion is **DENIED WITHOUT PREJUDICE** to refiling an appropriate motion for notice to potential plaintiffs based on the legal standard set forth in *Clark*.

The parties shall request a case management conference with Judge Holmes to discuss a deadline for filing a new motion.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE